

PAMELA OLIVER,

Appellant

v.

BALTIMORE CITY
BOARD OF SCHOOL
COMMISSIONERS

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Order No. OR25-12

ORDER

Pamela Oliver (“Appellant”) filed this appeal challenging the Baltimore City Board of School Commissioner’s (“local board”) Decision and Order, issued November 29, 2024, denying Appellant’s grievance regarding her termination for misconduct charging that the Chief Executive Officer (“CEO”) violated Article XV.C.3, of the Collective Bargaining Agreement (“Agreement”) between the local board and the Baltimore Teachers Union, Paraprofessional and School-Related Personnel Chapter.

Appellant filed both an appeal with the local board pursuant to §4-205 of the Education Article and a grievance, but on July 10, 2023, she elected to proceed with a Level IV Grievance Hearing pursuant to Article XV.C.3 of the Agreement. (R. 4, 21). Pursuant to Article XV.C.3 of the Agreement, Appellant’s choice of procedure is final and binding. The Agreement provides:

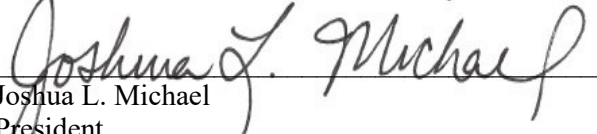
The employee’s choice of which procedure to use to contest the action shall be final and binding on the employee and the union, and the employee may not subsequently choose to follow a different procedure.

(R. 24). If the grievance is not resolved at the local board level, the Agreement provides that the Union may advance the employee’s grievance to arbitration if in its discretion the Union finds arbitration to be appropriate and states “the employee shall be bound by the Union’s decision whether or not to arbitrate.” *Id.* The Agreement does not provide for an appeal to the State Board if the grievance is not resolved at the local board level.

Due to the procedural posture of this matter and the terms of the Agreement, we find that the State Board does not have jurisdiction to review this appeal. *See Perry v. Baltimore City Bd. of Sch. Comm’rs*, MSBE Op. No. 25-07 (2025) (Dismissing the claim for a breach of MOU for lack of jurisdiction.); *Association of Supervisory and Admin. Sch. Pers. v. Bd. of Educ. of Prince George’s Cnty.*, MSBE Op. No. 14-26 (2014). Pursuant to COMAR 13A.01.05.03B(1)(d) & (3), the State Board may, on its own motion, dismiss an appeal for lack of jurisdiction.

Accordingly, it is this 29th day of May 2025, by the Maryland State Board of Education, ORDERED, that the appeal is dismissed for lack of jurisdiction. COMAR 13A.01.05.03B.

MARYLAND STATE BOARD OF EDUCATION


Joshua L. Michael
President